

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Imhoff Investments, L.L.C.,

Plaintiff,

v.

SamMichaels, Inc.,

Defendant.

CASE NO. 10-10996

HON. MARIANNE O. BATTANI

ORDER DISMISSING DEFENDANT'S MOTION TO DISMISS

Pending before the Court is Defendant's Motion to Dismiss (Doc. 10). The Court being advised by the attorneys that the United States Court of Appeals for the Sixth Circuit Court is currently considering the same issue presented in Defendant's Motion to Dismiss, i.e., whether the Federal Telephone Consumer Protection Act creates federal question subject matter jurisdiction under 28 U.S.C. § 1331, and the attorneys having agreed to stay this matter until the Court of Appeals has rendered its decision,

It is HEREBY ORDERED that Defendant's Motion to Dismiss is DISMISSED without prejudice.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: October 19, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
Case Manager